

107TH CONGRESS
2D SESSION

H. R. 5156

To amend the Outer Continental Shelf Lands Act to protect the economic and land use interests of the Federal Government in the management of outer continental shelf lands for energy-related and certain other purposes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2002

Mrs. CUBIN introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Outer Continental Shelf Lands Act to protect the economic and land use interests of the Federal Government in the management of outer continental shelf lands for energy-related and certain other purposes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ALTERNATE ENERGY-RELATED USES ON THE**
4 **OUTER CONTINENTAL SHELF.**

5 (a) PURPOSES.—The purposes of this section are as
6 follows:

1 (1) To protect the economic and land use inter-
2 ests of the Federal Government in the management
3 of the outer Continental Shelf for energy-related and
4 certain other purposes.

5 (2) To provide an administrative framework for
6 the oversight and management of energy-related ac-
7 tivities on the outer Continental Shelf, consistent
8 with other applicable laws.

9 (3) To provide for inter-agency coordination in
10 the siting and permitting of energy-related activities
11 on the outer Continental Shelf.

12 (4) To ensure that energy-related activities on
13 the outer Continental Shelf are conducted in a man-
14 ner that provides for safety, protection of the envi-
15 ronment, prevention of waste, conservation of nat-
16 ural resources, the protection of correlative rights,
17 and protection of national security interests.

18 (5) To authorize alternate uses of existing
19 structures and facilities previously permitted under
20 the Outer Continental Shelf Lands Act (43 U.S.C.
21 1331 note).

22 (6) To ensure that the Federal Government re-
23 ceives a fair return for any easement or right-of-way
24 granted under section 8(p) of the Outer Continental
25 Shelf Lands Act.

1 (b) AMENDMENT TO OUTER CONTINENTAL SHELF
2 LANDS ACT.—Section 8 of the Outer Continental Shelf
3 Lands Act (43 U.S.C. 1337) is amended by adding at the
4 end the following new subsection:

5 “(p) EASEMENTS OR RIGHTS-OF-WAY FOR ENERGY
6 AND RELATED PURPOSES.—

7 “(1) The Secretary, in consultation with the
8 Secretary of the Department in which the Coast
9 Guard is operating and other relevant departments
10 and agencies of the Federal government, may grant
11 an easement or right-of-way on the outer Conti-
12 nental Shelf or activities not otherwise authorized in
13 this Act, the Deepwater Port Act of 1974 (33
14 U.S.C. 1501 et seq.), or the Ocean Thermal Energy
15 Conversion Act of 1980 (42 U.S.C. 9101 et seq.)
16 when such activities—

17 “(A) support exploration, development,
18 production, transportation, or storage of oil,
19 natural gas, or other minerals;

20 “(B) produce or support production, trans-
21 portation, or transmission of energy from
22 sources other than oil and gas; or

23 “(C) use facilities currently or previously
24 used for activities authorized under this Act.

1 “(2)(A) The Secretary shall establish reason-
2 able forms of annual or one-time payments for any
3 easement or right-of-way granted under this sub-
4 section, including fees, rentals, or cash bonus pay-
5 ments. The Secretary may establish fees, rentals,
6 bonus, or other payments by rule or by agreement
7 with the party to whom the easement or right-of-way
8 is granted.

9 “(B) Before exercising the authority granted
10 under this subsection, the Secretary shall consult
11 with the Secretary of Defense concerning issues re-
12 lated to national security and navigational obstruc-
13 tion.

14 “(C) The Secretary may issue an easement or
15 right-of-way for energy and related purposes as de-
16 scribed in paragraph (1) on a competitive or non-
17 competitive basis. In determining whether such ease-
18 ment or right-of-way shall be granted competitively
19 or non-competitively, the Secretary shall consider
20 such factors as prevention of waste and conservation
21 of natural resources, protection of the environment,
22 the national interest, national security, human safe-
23 ty, protection of correlative rights, and the potential
24 return for the easement or right-of-way.

1 “(3) The Secretary, in consultation with the
2 Secretary of the Department in which the Coast
3 Guard is operating and other relevant departments
4 and agencies of the Federal Government and af-
5 fected States, shall prescribe any necessary regula-
6 tions to assure safety, protection of the environment,
7 prevention of waste, and conservation of the natural
8 resources of the outer Continental Shelf, protection
9 of national security interests, and the protection of
10 correlative rights therein.

11 “(4) The Secretary shall require the holder of
12 an easement or right-of-way granted under this sub-
13 section to furnish a surety bond or other form of se-
14 curity, as prescribed by the Secretary, and to comply
15 with such other requirements as the Secretary may
16 deem necessary to protect the interests of the United
17 States.

18 “(5) Nothing in this subsection shall be con-
19 strued to displace, supercede, limit, or modify the ju-
20 risdiction, responsibility, or authority of any Federal
21 or State agency under any other Federal law.

22 “(6) This subsection shall not apply to any area
23 on the outer Continental Shelf designated by legisla-
24 tion as a National Marine Sanctuary.”.

1 (c) CONFORMING AMENDMENT.—The text of the
2 heading for section 8 of the Outer Continental Shelf
3 Lands Act is amended to read as follows: “LEASES, EASE-
4 MENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTI-
5 NENTAL SHELF.”.

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